

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS SCHANSMAN et al.,	:
	:
Plaintiffs,	: <u>ORDER</u>
	:
-v.-	:
	: 19 Civ 2985 (ALC)(GWG)
SBERBANK OF RUSSIA PJSC et al.,	:
	:
Defendants.	:
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Regarding plaintiffs' Motion to Compel defendant VTB Bank PJSC ("VTB") to produce documents (Docket # 478), the documents were first requested by plaintiffs in November 2021, more than 17 months ago (see Docket # 479 at 5). The delay in production has had a severe and negative impact on the progress of this case. The Court has considered the arguments of defendants regarding the reasons for delay and the need for additional time, and directs VTB to produce the requested documents to plaintiffs no later than November 30, 2023. VTB shall produce any documents available before that date as soon as the documents are available.

If VTB fails to produce to plaintiff all documents by November 30, 2023, the Court shall deem such failure to constitute a refusal to produce the documents on the grounds of the operation of foreign law. The Court will then decide the consequences of that refusal in accordance with the principles articulated in case law. See, e.g., Societe Nationale Industrielle Aerospatiale v. U.S. Dist. Ct. for S. Dist. of Iowa, 483 U.S. 522, 543-45 (1987); Wultz v. Bank of China Ltd., 298 F.R.D. 91, 96 (S.D.N.Y. 2014).

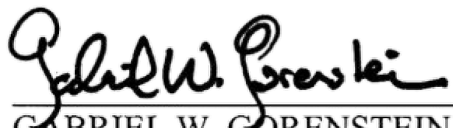
Also, if the documents have not been produced in full by November 30, 2023, plaintiffs shall inform the Court within 7 days and may supplement the motion to compel with any further information relevant to the motion. VTB may file its response within 7 days thereafter.

VTB shall file a report on the status of (1) its transmission of documents to the relevant government entities for review, including but not limited to the Russian Ministry of Finance; (2) the approval process by the relevant governmental entities; (3) any actual production it has made to plaintiffs; and (4) any other information VTB deems relevant to the motion to compel. The first such report shall be filed on or before June 12, 2023. Updated reports shall be filed by the following dates: July 12, 2023; August 14, 2023; September 12, 2023; October 12, 2023; and November 13, 2023.

VTB is to provide information to plaintiffs as requested regarding the above matters as well as regarding VTB's search for responsive documents.

SO ORDERED.

Dated: May 12, 2023
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge